



Atty. Docket No.: 17633/1120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Faustman and Hayashi  
Serial No.: 09/258,682  
Filed: February 26, 1999  
Entitled: Methods for Diagnosing and  
Treating Autoimmune Disease

Examiner: *Wulan*

Group Art Unit: *1644*

Conf. No.:

PATENT

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Kathleen Williams

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Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

Responsive to the restriction requirement dated March 22, 2001, and to the discussion which the undersigned and the Examiner had on June 11, 2001 relating to the restriction requirement which restricts the claims into 39 groups, Applicant requests reconsideration of the requirement as follows.

Applicants request that the grouping of claims for the restriction requirement be reset at the claim groups presented in the previous restriction requirement (dated July 31, 2000 which applicant responded to on January 8, 2001).

Applicants would like to prosecute the claim group previously elected as Group VII, claim 41-48, which refer to a method of treating autoimmune disease by administering an agent which restores NFkB activity. The invention claimed in claims 41-48 is based upon the discovery that there is a therapeutic link between restoring NFkB activity and treating autoimmune disease. This is the opposite of what has previously been recognized in the therapeutic treatment of autoimmunity.

The Examiner has stated that the searching of the dependent claims presented with respect to the species of the agent to be administered in the therapeutic method (claim 43) is unduly burdensome, and also has stated that nucleic acid agents (see claim 42) are not examined by art unit 1644.